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May 5, 2005

Ms. Zita Lovett
Courtroom Clerk to the Honorable Joseph L. Tauro
John Joseph Moakley U.S. Court House
1 Courthouse Way
Boston, Massachusetts 02210

RE: Bournewood Hospital v Tommy G. Thompson, Secretary, United
States Department of Health and Human Services

Civil Action No. 04-10149-JLT

Dear Ms. Lovett:

This letter is in follow-up to our telephone conversation yesterday.

With the permission of Assistant United States Attorney Walcott-Torres, I have contacted the agency attorney for the Centers for Medicare and Medicaid Services with whom she has been coordinating and requested his best estimate of the date by which he will receive a response from agency officials regarding his recommendation on the settlement proposal now under active discussion. He advises me that he expects to will have a response by the end of next week (i.e., by May 13, 2005).

Inasmuch as a favorable response from the agency would result in the prompt resolution of this matter by agreement of the parties, I respectfully request the Court's continued indulgence in this matter and that the Court retain on its docket the currently scheduled status conference in August, but waive the parties' filing of summary judgment motions and opposition.

Very truly yours,

Carolyn Jacoby Gabbay

cc: Gina Walcott-Torres, Esq.